

**REMARKS**

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Claims 1-3, 5, 6, 13, 17 and 20-22 are now present in this application. Claims 1, 17, 21 and 22 are independent.

Amendments have been made to claims 1, 13, 17 and 20, and claims 7-12, 14-16, 18 and 19 have been canceled. Reconsideration of this application, as amended, is respectfully requested.

**Priority Under 35 U.S.C. § 119**

Applicant thanks the Examiner for acknowledging Applicant's claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority document.

**Drawings**

Applicant thanks the Examiner for indicating that the drawings are accepted.

**Rejections under 35 U.S.C. §103**

Claims 1, 2 and 5-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of Klemens et al. Claims 3, 9 and 14-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fossett. These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

At the outset, Applicant does not understand how claims 3 and 9 can be rejected by Fossett alone since claims 3 and depend from claim 1 which was rejected based on AAPA in view of Klemens et al.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicant respectfully submits that claims 7-11, 14-16 and 18 have been cancelled, thus rendering part of the rejections under 35 U.S.C. § 103 moot.

With regard to the rejection of claim 1, while not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicant respectfully submits that independent claim 1 has been amended to include the limitations of objected-to allowable claim 12, thereby automatically placing independent claim 1 into condition for allowance, along with dependent claims 2, 3, 5, 6 and 13.

Similarly, with regard to the rejection of claim 17, while not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicant respectfully submits that independent claim 17 has been amended to include the limitations of objected-to allowable claim 19, thereby automatically placing independent claim 17 into condition for allowance, along with dependent claim 20.

Accordingly, reconsideration and withdrawal of these rejections are respectfully requested.

### **Allowable Subject Matter**

Applicant thanks the Examiner for indicating that claims 21 and 22 are allowed.

The Examiner states that claims 10-13, 19 and 20 would be allowable if rewritten in independent form.

Applicant thanks the Examiner for the early indication of allowable subject matter in this application. As set forth above, the limitations of objected-to claim 12 have been added into independent claim 1, and therefore independent claim 1 should be in condition for allowance. Also, claims 2, 3, 5, 6 and 13 depend, either directly or indirectly, from independent claim 1, and are therefore allowable based on their dependence from claim 1 which is believed to be allowable.

As set forth above, the limitations of objected-to claim 19 have been added into independent claim 17, and therefore independent claim 17 should be in condition for allowance. Also, claim 20 depends from independent claim 17, and is therefore allowable based on its dependence from claim 17 which is believed to be allowable.

### **Conclusion**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently

Application No. 10/589,824  
Amendment dated February 26, 2010  
Reply to Office Action of November 30, 2009

Docket No.: 5188-0108PUS1  
Page 7

outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

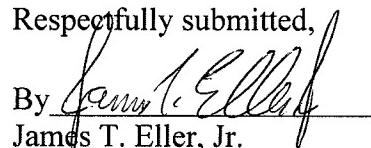
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone James T. Eller, Jr., Registration No. 39,538, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: February 26, 2010

Respectfully submitted,

By   
James T. Eller, Jr.

Registration No.: 39,538  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant